19 30.

G.P. 71 & 72.

Department of L. R & Sett.

OFFICE of the Bd of Rev.

STATION Yelpaurh.

Mis No. 2700

B 4252/35

Dated 13-8-30

To whom sent	Date	Initial
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	DESPATCHED 17 SEP 1930
ages in the file	Indexed	
	To be destroyed on*	

(SUBJECT.)

Enmund - Lemakes on the Kanara) Harbo

G.F. 72 & 72A.

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(SUBJECT.)

Assignment - Land - (South Kanara) - Karkal taluk - Kendandele village - S no 66 - M... claim - Suit notice - Orders passed

*Not to be filled in in the case of permanent records.

RP 157

Ref.A.3.No. 2079/30. South Kanara Collector's Office,

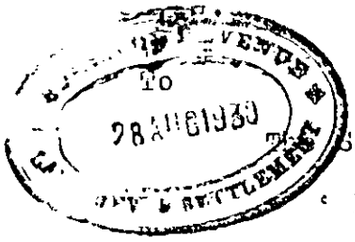
Mangalore, 24th August 1930.

B 4252

From

G.W.Wells, Esquire, M.A., I.C.S.,

Collector of South Kanara.



To

The Secretary to the Board,

Land Revenue and Settlement, Madras.

Sir,

Assignment - Land - Karkal taluk - Kadandale village - S.No. 66 - acres 23.62 - Mulpatta claim.- Suit notice.

I enclose the suit notice, in original, sent by Rama Hegde, Potail of Kedinje village, Karkal taluk, together with the records of enquiry. The notice giver's contention is that the area of his mulpatta land, which was fixed in 1904 by the Settlement Department at 23.62 acres in S.No. 66 of Kadandale village, Karkal taluk, and included in his holding, was reduced to 12.62 acres by the Tahsildar in 1923 and that thereafter -- portions of the land so excluded from his holding were assigned by the Tahsildar to others, in spite of his protest and also that his previous efforts by way of appeal and revision petition against the assignment order and a petition dated 1-10-27 to the Collector were all futile. He requests that on a due enquiry the full area of 23.62 acres as per the Settlement Officer's -- order M.P.R. 98/1904 may be made available for him and the -- portion excluded from his holding may again be included in it after cancelling the assignments already made. He threatens to sue Government unless this claim of his is admitted.

2. At settlement, S.No. 66 was measured as a hill waste with a recorded area of 50.84 acres. This block was split up subsequently and during the monsoon class of 1922, it was -- found out that there was a discrepancy between the area of the field 66, carved out of the original block of hill waste, as noted in the taluk copy of the Settlement Register (23.62 acres) and that noted in the sketch of the field in F. M. Book ----

(12.62 acres). On a verification of the village records, it was found that the area as noted in the 10-I Chitta (holding) was -- 23.62 acres and that the area as originally noted in the village copy of the Settlement Register was corrected from 23.62 acres into 12.62 acres apparently with a view to tally it with that noted in the F.M.Book. The actual area of the field according to the -- sketch having been found to be only 12.62 acres, the Tahsildar issued a notice to the joint holders of the plot, including the present notice giver, proposing therein the correction of the area in the holding into 12.62 acres on the ground that there was a "discrepancy in the area". As no objections were preferred -- within the time allowed in the notice, the change proposed was sanctioned by the Tahsildar and subsequently incorporated in the - village records.

3. In D.R. 673/1334 on the file of the Tahsildar of Karkal, (T) a portion of the plot in dispute was sub-divided as S.No. 269/1 and assigned to one Vomaya Shetty and in doing so, the objection petition of the notice giver was apparently lost sight of. The notice -- giver appealed against the order, but the appeal was dismissed by the Revenue Divisional Officer, as the appellant failed to produce documents in support of his contention. He then submitted a -- revision petition to me, but when I was on leave Mr. Panchapakesa Aiyyar, the then Acting Collector, rejected it on the ground that it was not known in which of the fields carved out of the hill waste, the mulpatta area of 23.62 acres mentioned in the Settlement -- Officer's order was included.

4. Again in D.R. 840/34, some other portions of the field in (S) dispute were notified for assignment and the notice giver put in -- his objection, but his claim was rejected on the ground that it was not proved by production of documents. The notice giver thereupon sent a petition to the Collector on 1-10-27 on the same subject, but the records of the case have been destroyed. Evidently this claim was also rejected, as otherwise there is no reason for the - present fresh claim.

5. Meanwhile the resurvey of the several fields carved out of

the original hill block 66 was made, but none of the notices, in respect of any of the fields, required under sections.6, 9(2) and 10(2) was personally served on the notice giver. notice proposing the change of area of S.No. 66 from 12.62 -- acres to 13.13 acres was, however, served on him and no objectic having been preferred, the change was sanctioned by the Tahsilda

6. The facts of the present case have been fully dealt with in the reports of the Revenue Inspector. N.Dis.I.R.No. -- 1566/39, dated 28-5-30, and the Tahsildar N.Dis. 2507-30, dated 2-6-30. Besides these reports, I have traced out the original records of the Settlement Officer's order M.P.R.No. 98/04, dated 1-11-1904 relied upon by the notice giver. A perusal of these records and also of the sketch prepared in that connexion will clearly show that the whole of the present field S.No. 66 -- together with major portions of S.Nos. 269 and 177/1 as also -- small portions of S.Nos. 177/3, 178/1 and 228/1 to the west of the lead pencil dotted line in the Revenue Inspector's sketch dated 26-5-30 (in the current file) were finally lettered off as S.No. 66/2 with an area of 23.62 acres and ordered by the -- Settlement Officer to be included in the holding of the notice giver's predecessor. The area was included in the original 66/2 and 1A in the Settlement Office sketch dated 6-10-1904. -- Though the change ordered by the Settlement Officer was incorporated in the taluk and village copies of the Settlement --- Register and the 10-I Chitta, I am inclined to think that the -- clubbing of sub-divisions 66/2 and 1A was not carried out in the F.M.Book and this is evidently the reason why the existence of the mulpatta records were lost sight of while passing the -- several orders since 1923.

7. Whatever the circumstances which led to the orders of assignment etc., already passed be, the Government cannot go -- beyond the Settlement Officer's order of 1904 in which the -- Government admitted the mulpatta claim in respect of 23.62 acres included in S.Nos. 66/2 and 66/1A. The notice giver now -- restricts his claim only to S.Nos. 269/1, 2A, 2B, 2C and 177/1

of which S.Nos. 269/1 and 269/2B have already been assigned in -- D.R. 673/34 and 840/34 referred to above, while the other plots are still registered as assessed waste. Portions of S.Nos. 269/1 and 269/2B actually form part of the mulpatta land and orders of their assignment were passed under the impression that they -- were Government lands, which is a clear mistake of fact. More than three years have already elapsed since the assignment orders were passed in the two cases. I, therefore, recommend that under the provisions of P.S.O. 15 (19) as revised by B.P.No. 17, Press, --- L.R. & S., dated 7-3-30, the Board may be pleased to order the -- cancellation of the assignment orders, in order to enable me to -- admit the claim and avoid the unnecessary suit.

8. I enclose the records noted in the margin for Board's reference and return.

Rec. 6 pp 1-24

1. Current file (pages 1 to 124).
2. Karkal taluk office Dis.121-D-Rev.24.
3. do. D.R. 673/1334.
4. Collector's office Dis.D.1120-26,
5. Karkal taluk office D.R. 840/34.
6. do. S.D. 52/36.
7. Settlement Office register of mulpatta claims with enclosures (pages 1 to 24).
8. do. M.P.R. 98/1904.

Your obedient servant,

for Collector.

25.8.30

5

Subject.—

S. F. XXII-A-19—89,500 22-4-30 (6)

~~FOR MEMBER~~

A.S.(L.R.)

Assignment - Land - (S. Kanara) - Karkal taluk - Kadandale village - S no 66 - Mulpattadar dami - Suit notice - Orders passed

READ AGAIN B. P. No. _____, dated _____ 193

193

READ ALSO :—

Register No. bcc, from the B 4252/30—9, No. _____, dated _____ 193

193

193

193

RESOLUTION. mis. No. 2700, dated 13.9 1930.

p45c of (K)

The Tahsildar reported in his report N.Dis 2507-30 dt 2.6.30 that he has settled the matter amicably between the assignees of S. nos 269/1 and 2B and the notice giver who agreed to take S nos 177/1, 269/2A and 2C and 3-83 acres of S nos 269/1 and 2B in full satisfaction of his claim and that the assignees of S nos 269/1 & 2B

p44q of (K)

(6.67 acres) also consented to part with 3-83 acres of the lands. The collector is requested to obtain relinquishment of 3-83 acres from the assignees and grant the land to the notice-giver.

13/9/30.

To

The Coll of South Kanara
by registered post (with records as per list)
attd q.

Deptt Ask section for the Records

records sent to deptt 5/11/1619

MW 17-9-

MW 13.9.30

Assignment - Land - (S. Kanara) - Karkal taluk - Kadandale village - S.No. 66 (23.62 acres) - Mulpatta claim - Suit notice.

B 4252/30 - pp 1-4 cf.

To

A.S.

lease see the collector's report at pp 1-4 c.f. and the eye-sketch at p 29 cf of (K).

2. The facts of the case are clearly stated in para 1 at p 1 c.f of the collector's letter. The notice-giver bases his claim upon the *mulpatta register and threatens to sue Government, if the area excluded from his holding and assigned to others is not made available for him as per Settlement Officer's order M.P.R 98 (1904) - pp 1-4 cf of (N).

* mulpatta register is a formal title-deed granted in the early years of British rule conveying to the grantee full proprietary rights with certain specified boundaries.

3. The merits of the case are fully discussed in the Revenue Inspector's report dt 28.5.30 and in the Tahsildar's report dt 2.6.30. (vide pp 37-45 c.f of (K)). Attention is invited to paras 6 and 7 of the collector's report at pp 3-4 c.f. The Settlement Office sketch dt 6.10.1904 at p 19 of (E) shows that the area of 23.62 acres was included in the original SNos 66/2 and 1A. Though the change was incorporated in the taluk and village copies of the Settlement Register and the 10-I Chitta, the collector thinks that the clubbing of 66/2 & 1A was not carried out in the F.M. book and also states that this is the reason why the existence of the mulpatta records were lost sight of while passing orders

orders of assignment since 1923 (vide D.R 673/34 (T)
and 840/34). He is also of opinion that Government *(S)
cannot go beyond the Settlement Officer's order
of 1904 in which Government admitted the
mulpatta claim in respect of 23.62 acres included
in S.Nos 66/2 & 1A. The collector reports that
the notice-giver restricts his claim only to S Nos
(2.81 acres) (0.32 ac) (3.86 acres) (2.52 acres) → (3.32 acres) 840 of (K)
269/1, 2A, 2B, 2C and 177/1 of which S.Nos 269/1
and 269/2B have already been assigned in
D.R. nos stated above while the other plots are (S) & (T)
still registered as assessed waste. It is
clear from the report of the collector and the connected
records that portions of nos 269/1 & 269/2B
actually form part of the mulpatta land and
that their assignment was made under the impression
that they were Government lands. The collector
states that more than 3 years have elapsed since
the assignment orders were passed in the two
cases, ~~and that~~ Since the assignments were made
clearly under a mistake of fact he requests
the Board to cancel the assignment orders so that
the claim of the notice-giver may be admitted
thus avoiding the unnecessary suit. Under B.S.O
15-19 as revised by B.P. Press no 17 dt. 3.3.30
the Board may approve the collector's proposals
and cancel the assignment. It seems unnecessary
to give notice to the original grantees of
S Nos 269/1 & 269/2B before cancelling the assignment
ms
19.3.30.

The facts of the case are clearly stated in the Collector's report at pp 1-4 f.

2. In view of the Settlement officer's order of 1904 the notice-giver's claims (now restricted to S.Nos. 269/1, 2A, 2B, 2C + 177/1 – Vide the sketch at p. 29 f of (K)) — should, it seems, be respected. This involves the cancellation of the grants of S. Nos 269/1 & 269/2 B. made in F. 1334. Acc. to the view taken in the notes at p. 3 n/f of B.P. No. 2115 Rt. dt 24.3.30 ~~it is clear~~ the Board cannot cancel the grants under S.D. 15-19. The case may perhaps be reported to Govt. for orders.

6.9.30

There is no doubt that portions of the land recognized as belonging to the notice giver by the Special Settlement Officer in 1904 were assigned to others under a mistake that the lands were at the disposal of Govt. In view of the Board's opinion in the proceedings 2115 Rent-I dt 4-3-30 it cannot cancel the assignments. The Tahsildar states that he has settled the matter amicably between the assignees of S. Nos 269/1 & 2B and the notice giver who agreed

o have S. nos 177/1, 259/2A & 2C
and 3-83 acres of S. nos 259/1 & 2B
in full satisfaction of their claim. The
assignees of S. nos 259/1 & 2B (6.67
acres) also consented to part with 3-83 acres
of the lands. The Collector may be
told to obtain relinquishment of 3-83
acres from the assignees and grant the
land to the notified persons. Here ends
then the record in case. Put up

Yes

This is the first Sale-in.

11/9

Draft
Yes

Jo.

A.S. (L.R)

Draft put up.

13-9-30.

13-9-30